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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/923,359

08/08/2001

Byoung Wook Kim

K-0311

2866

34610 7590 03/18/2008
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

03/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/923,359	Applicant(s) KIM ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 27 December 2007.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 5-9, 18 and 30-36 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 5-9, 18 and 30-36 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 21, 2007 has been entered.

Response to Amendment

2. The amendment filed on December 21, 2007 has cancelled no claims. Claims 5, 9, 18, and 30 have been amended. No new claims were added. Thus, the currently pending claims addressed below are Claims 5-9, 18, and 30-36.

Examiner's Note

3. Claim 5 includes the limitation "Collecting the special information required for supply of traffic information in a region through a local content provider network constructed in the region when it is confirmed through a pilot signal transmitted from the client's mobile phone that the client's mobile phone enters a region, the local content provider network providing information effective in only the corresponding region, the local content provider network being a different network than the server network." The portion of this limitation reciting "the local content provider network

providing information effective in only the corresponding region” is interpreted to mean that the local content provider can provide information requested by the client that is not effective in only the corresponding region, such as any type of information requested by the client. However, it is also able to provide “information that is effective in only the corresponding region”. This interpretation is supported by the applicant’s specification in paragraphs [0057], and paragraphs [0180] through [0189]. This interpretation is instituted due to the applicant’s amendment filed December 21, 2007. The amendment overcomes the 35 U.S.C. 112 rejection raised in the Office Action dated September 21, 2007 regarding compliance with the written description requirement only if the given interpretation is used. Any other interpretation will result in the reinstitution of the aforesaid 35 U.S.C. 112 rejection.

Claim Rejections - 35 USC § 112

4. The amendment filed on December 21, 2007 has overcome the 35 U.S.C. 112 rejection of claim 9 regarding indefiniteness for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention which was raised in the office action dated September 21, 2007. Thus, the rejection is hereby withdrawn.
5. The amendment filed on December 21, 2007 has overcome the 35 U.S.C. 112 first paragraph rejection of Claims 5-9, 18, and 36 regarding the failure to comply with the written description requirement given that the interpretation of the

limitations of Claim 5, recited in the Examiner's Note in the instant Office Action, is used. Thus, the examiner withdraws the rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 5-8, 18 and 30 – 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Fan et al. (U.S. Patent Number: 5,959,577).

Claim 5: Fan discloses an operating method of an informative service system comprising:

- a. Connecting to the Internet by a client using a mobile phone of the client, the connection being to a server network on the Internet, the client requesting special information. (Col 1, lines 6-11; Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- b. Continuously confirming by the server network the location of the client's mobile phone set to receive various services based on request. (Col 3, lines 11-46; and

Col 6, lines 49 – 61) (Additionally such confirmation is inherent in any cellular phone network in order to provide two-way communication, the location of the base station in which to transmit packets is required.)

- c. Collecting the special information required for supply of traffic information in a region through a local content provider network constructed in the region when it is confirmed through a pilot signal transmitted from the client's mobile phone that the client's mobile phone enters the region, the local content provider network providing information effective in only the corresponding region, the local content provider network being a different network than the server network. (Col 1, lines 6-11; Col 3, lines 10-45; Col 4, lines 4-65; Col 6, lines 49-61; and Col 9, line 49 through Col 10, line 21)
- d. Transmitting the collected information from the local content provider network over the Internet to the client's terminal. (Col 1, lines 6-11; Col 3, lines 10-45; Col 4, lines 4-65; Col 6, lines 49-61; and Col 9, line 49 through Col 10, line 21)

Claim 6: Fan discloses the method according to claim 5, wherein the special information is at least one of information effective only in the corresponding region, information of current traffic conditions in the region, information of each road in the region and information of the current conditions of each road. (Col 4, lines 4-65; Col 6, lines 49-61)

Claim 7: Fan discloses the method according to claim 5, wherein the special

information comprises information of current traffic conditions in the region, the information of the current traffic conditions in the region comprising information under a traffic control condition. (Col 4, lines 4-65; Col 6, lines 49-61)

Claim 8: Fan discloses the method according to claim 5, wherein the special information comprises information of each road in the region, the information of each road comprising information of driving speed limit, information of no-parking areas, information of one-way traffic and map data of the above information. (Col 4, lines 4-65; Col 6, lines 49-61)

Claim 18: Fan discloses an operating method of an informative service system for providing requested information to an owner of a mobile phone comprising:

- a. Connecting to the Internet by an owner using a mobile phone of the owner, the connection being to a server network on the Internet. (Col 1, lines 6-11 and Col 9, line 49 through Col 10, line 21)
- b. Requesting special information within a region by the owner of the mobile phone entering the region, the request being to the server network through Internet connection using the mobile phone through a base station. (Col 9, line 49 through Col 10, line 21) (The disclosed invention is able to be operated over a cellular telephone network and is mobile, therefore, it is a mobile phone.)

- c. Receiving the request for special information through the server network from the mobile phone. (Col 3, lines 11 – 46; and Col 5, line 53 through Col 6, line 32)
- d. Confirming the present position of the owner's mobile phone by the server network by confirming the base station through which the mobile phone is connected through a channel connected with the mobile phone. (Col 3, lines 11 – 46) (Additionally such confirmation is inherent in any cellular phone network in order to provide two way communication, the location of the base station in which to transmit packets is required.)
- e. Searching for the requested special information at a local content provider network from information stored on the basis of information received from the server network. (Col 3, lines 11-46; and Col 4, line 66 through Col 5, line 21)
- f. Transmitting data of the requested special information to the local CP network and transmitting the data of the requested special information from the local CP network to the mobile phone via the Internet, the local CP network transmitting the data relating to the region entered by the owner of the mobile phone and the local CP network being a different network than the server network. (Col 3, lines 11 – 46)

Claim 30: Fan discloses an information service system comprising:

- a. Connecting to the Internet by a client using a mobile phone of the client, the connection being to a server network on the Internet. (Col 1, lines 6-11 and Col 9, line 49 through Col 10, line 21)
- b. A database storing information of a standard location registered by the client using the mobile phone, information of critical value of a difference in time and space from the standard location and information related with services provided according to the difference in time and space. (Fan: Col 4, lines 41 – 54)
- c. Position confirming means for detecting the present position of the client by confirming a base station through which the mobile phone is connected through a channel connected with the mobile phone. (Fan: Col 3, lines 11-46; and Col 3, line 46 through Col 4 line 40) (Additionally such confirmation is inherent in any cellular phone network in order to provide two way communication, the location of the base station in which to transmit packets is required.)
- d. Time measuring means for counting time exceeding the critical value from the standard location registered by the client. (Fan: Col 4, lines 55 – 65)
- e. Information obtaining means for obtaining information of services set according to the difference in time and space determined by the position confirming means and the time measuring means. (Fan: Col 2, line 60 through Col 3, line 46)

- f. Information transmitting means for transmitting the obtained information to via the Internet to the mobile phone of a client. (Fan: Col 5, lines 15 – 20; and Col 6, lines 6-40)

Claim 31: Fan discloses the system according to claim 30, wherein all of the means are constructed according to an environment of a mobile communication system based on various networks. (Fan: Col 2, lines 60 – 67)

Claim 32: Fan discloses an operating method of an informative service system comprising:

- a. Connecting to the Internet by an owner using a mobile phone of the owner, the connection being to a server network on the Internet. (Col 1, lines 6-11 and Col 9, line 49 through Col 10, line 21)
- b. Registering a standard location by the client using the mobile phone via a connection to a base station. (Col 6, lines 49 – 61)
- c. Continuously confirming a present position of the client by confirming the base station through which the mobile phone of the client is connected through a channel connected with the mobile phone. (Col 3, lines 11-46; and Col 6, lines 49 – 61) (Additionally such confirmation is inherent in any cellular phone network in order to provide two way communication, the location of the base station in which to transmit packets is required.)

- d. Confirming a difference in time and space between the confirmed present position of the client and an initially registered standard location. (Col 6, lines 49 – 61)
- e. Performing a service set according to an exceeded difference if the confirmed difference in time and space exceeds a critical value of a set difference in time and space, the service being performed over the Internet to the mobile phone. (Col 6, lines 49 – 61)

Claim 33: Fan discloses the method according to claim 32, wherein the confirming the present position of the client is performed according to a period for confirming the set present position or is performed according to a request of the client. (Col 3, lines 11 – 46)

Claim 34: Fan discloses the method according to claim 32, wherein the confirming a difference in time and space between the confirmed present position of the client and an initially registered standard location is performed by confirming whether or not the client is out of the set critical distance from the initially registered standard location. (Col 6, lines 49 – 61)

Claim 35: Fan discloses the method according to claim 32, wherein the service set according to the exceeded difference comprises service for providing at least one of information of available restaurants at a location where the client is located if it is a

mealtime, and information of traffic for returning the client to the standard location.
(Col 4, lines 4-65; Col 6, lines 49-61; Col 6, line 62 through Col 7, line 20)

Claim 36: Fan discloses a method for providing regional information to a user of a mobile phone comprising:

- a. Registering a location of a mobile phone of a user. (Col 6, lines 49 – 61)
- b. Continuously confirming a present location of the user by identifying a base station through which the mobile phone of the user is currently connected. (Col 3, lines 11-46; and Col 6, lines 49 – 61) (Additionally such confirmation is inherent in any cellular phone network in order to provide two way communication, the location of the base station in which to transmit packets is required.)
- c. Requesting special information within a region by the user of the mobile phone entering the region, the request being through an Internet connection to a server network using the mobile phone. (Col 1, lines 6-11; Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- d. Receiving the request for special information at the server network from the mobile phone. (Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- e. Confirming the present location of the user's mobile phone by the server network by confirming the base station through which the mobile phone is connected. (Col 3, lines 10-46; Col 3, line 58 through Col 4, line 40)

- f. Searching for the requested special information at a local content provider (CP) network from information stored on the basis of information received at the server network. (Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- g. Transmitting data of the requested special information to the local CP network. (Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- h. Connecting the mobile phone to the local CP network. (Col 1, lines 6-11; Col 3, lines 10-45; and Col 9, line 49 through Col 10, line 21)
- i. Transmitting the data of the requested special information from the local CP network to the mobile phone via the Internet, wherein the special information comprises information effective in the corresponding region, and the local CP network being different than the server network. (Col 1, lines 6-11; Col 3, lines 10-45; Col 4, lines 4-65; Col 6, lines 49-61; and Col 9, line 49 through Col 10, line 21)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (U.S. Patent Number: 5,959,577).

Claim 9: Fan discloses the method according to claim 5, wherein the special information is information of traffic conditions in the corresponding region and map data of the above information (Col 4, lines 4-65; Col 6, lines 49-61). While Fan does not specifically state that the traffic conditions include road construction, it would have been obvious to one of ordinary skill in the art at the time the invention was made include road construction as a type of traffic condition disclosed by Fan, since road construction increases the delay of travel on the given road. The rationale for including road construction in the traffic information supplied by Fan is that road construction is one of a limited number or predictable types of traffic information that affects traffic in a given area.

Response to Arguments

10. Applicant's arguments with respect to claims 5-9, 18, and 30-36 have been fully considered but they are not persuasive.

- a. The applicant argues that Fan does not teach connecting to the Internet by a client using a mobile phone of the client, the connection being to a server network and collecting special information required for supply of traffic information in a region through a local content provider network constructed in the region and where the local content provider network providing information effective only in the corresponding region. However, Fan specifically teaches

this in Col 1, lines 6-11; Col 4, lines 4-65; Col 6, lines 49-61; and Col 9, line 49 through Col 10, line 21. Fan discloses connecting to the Internet, using a mobile device. The connection is through a server and special information is collected from the mobile device. The special information is required for the supply of traffic information in a region. This request is sent to a different network node on the Internet and processed. Once processed, a response including information effective only in the requested region is provided to the mobile unit. The applicant's attempts to distinguish between the various networks claimed in Fan, and the various networks in the applicants claims. However, Fan discloses various local networks connected to the Internet to form a large network as required by the limitations in the applicant's claims.

- b. The applicant argues that Fan does not teach or suggest an information obtaining means for obtaining information of services set according to the difference in time and space confirmed by the position confirming means and the time measuring means. However, the cited section discloses the claimed "means for" that are utilized in the applicant's specification. The Examiner reminds the applicant that a "means for" claim requires the applicant's specification to identify the specific parts of an apparatus that are performing the means. Based upon the applicant's specification and drawing such as Fig 18, the examiner believes the cited section of the Fan reference discloses the components required for performing the means. Additionally, Fan discloses that positional change can be measured by way of time and space. Fan also

discloses sending different information such as new maps to individual once the positional change information has reached a specific critical point such as no longer able to be represented by the currently displayed map (Col 3, line 10 through Col 4, line 65).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jvb
/J. V./
Examiner, Art Unit 3622

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622